



Federal Communications Commission
Washington, D.C. 20554

September 17, 2019

Mr. Austin R. Evers
American Oversight
1030 15th Street, N.W.
Suite B255
Washington, D.C. 20005
Via: foia@americanoversight.org

Re: FOIA Control No. 2019-000608

Dear Mr. Evers:

This is in response to your Freedom of Information Act (FOIA) request filed on July 23, 2019, seeking: “[a]ll email communications (emails, email attachments, and calendar invitations) between (1) Securus Technologies (@securustechnologies.com) or Arent Fox LLP (@arentfox.com), and (2) any of the following employees or officials below:

- a. Chairman Ajit Pai,
- b. All political appointees in the office of Chairman [Ajit] Pai, or
- c. Commissioner Michael O’Rielly.”¹

You define “political appointees” as “any person who is a Presidential Appointee with Senate Confirmation (PAS), a Presidential Appointee (PA), a non-career SES, any Schedule C employees, or any persons hired under Temporary Non-Career SES Appointments, Limited Term SES Appointments, or Temporary Transitional Schedule C Appointments.”² You seek “responsive records from November 1, 2016, to the date the search is conducted.”³ You state that the search must include “searches of files or emails in the personal custody of your officials, such as personal email accounts.”⁴

We searched the records of the offices of Chairman Pai and Commissioner O’Rielly. We located only two responsive documents. We do not release these documents because they are courtesy copies of documents filed with the Commission staff and those documents can be found on the Commission’s Electronic Comment Filing System (ECFS) in WC Docket Number 12-375.

¹ See FOIA Request 2019-000608 (submitted July 7, 2019, and perfected July 24, 2019) (you state that the “request includes any attachments to these records”).

² *Id.*

³ *Id.*

⁴ *Id.*

Pursuant to section 0.466(a)(5)-(7) of the Commission's rules, you have been classified for fee purposes as under the category of "educational requesters, non-commercial scientific organizations, or representatives of the news media."⁵ As an "educational requester, non-commercial scientific organization, or representative of the news media, the Commission assesses charges to recover the cost of reproducing the records requested, excluding the cost of reproducing the first 100 pages. We did not reproduce any records and you will therefore not be charged any fees.

You have requested a fee waiver pursuant to section 0.470(e) of the Commission's rules.⁶ As you are not required to pay any fees in relation to your FOIA request, the Office of the General Counsel, which reviews such requests, does not make a determination on your request for a fee waiver.⁷

If you consider this to be a denial of your FOIA request, you may seek review by filing an application for review with the Office of General Counsel. An application for review must be *received* by the Commission within 90 calendar days of the date of this letter.⁸ You may file an application for review by mailing the application to the Federal Communications Commission, Office of General Counsel, 445 12th St. SW, Washington, DC 20554, or you may file your application for review electronically by e-mailing it to FOIA-Appeal@fcc.gov. Please caption the envelope (or subject line, if via e-mail) and the application itself as "Review of Freedom of Information Action."

If you would like to discuss this response before filing an application for review to attempt to resolve your dispute without going through the appeals process, you may contact the Commission's FOIA Public Liaison for assistance at:

FOIA Public Liaison
Federal Communications Commission, Office of the Managing Director,
Performance Evaluation and Records Management
445 12th St., SW, Washington, DC 20554
FOIA-Public-Liaison@fcc.gov

If you are unable to resolve your FOIA dispute through the Commission's FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA

⁵ 47 C.F.R. § 0.466(a)(5)-(7).

⁶ 47 C.F.R. § 0.470(e).

⁷ 47 C.F.R. § 0.470(e)(5).

⁸ See 47 C.F.R. §§ 0.461(j), 1.115; 47 C.F.R. § 1.7 (documents are considered filed with the Commission upon their receipt at the location designated by the Commission).

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Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001
202-741-5770
877-684-6448
ogis@nara.gov
ogis.archives.gov

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Lyle". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Elizabeth Lyle
Assistant General Counsel
Office of General Counsel

cc: FOIA Officer